

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: OHIO EXECUTION
PROTOCOL LITIGATION**

**This document relates to:
PLAINTIFF
WARREN SPIVEY**

Case No. 2:11-cv-1016

**JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Michael R. Merz**

DEATH PENALTY CASE

No Execution Date Currently Scheduled

Motion to Dismiss Plaintiff Warren Spivey

Counsel for Plaintiff Warren Spivey moves to dismiss Mr. Spivey from this litigation. Mr. Spivey passed away of natural causes while on death row on January 17, 2020.¹ A death certificate is not available at this time.

Respectfully submitted,

STEPHEN C. NEWMAN
Federal Public Defender
Ohio Bar: 0051928

/s/ Vicki Ruth Adams Werneke
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¹ <https://www.everhere.com/us/obituaries/oh/youngstown/warren-spivey-10313995>

CERTIFICATE OF SERVICE

I certify that on February 3, 2020, I filed the foregoing, Motion to Dismiss, electronically with the Clerk of the United States District Court for the Southern District of Ohio using the CM/ECF system, which will send notification of such filing to e-mail addresses for opposing counsel on file with the Court.

/s/ Vicki Ruth Adams Werneke
Vicki Ruth Adams Werneke